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EXAMINER	
LAM, DUNG LE	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/776,201	GOTTLIEB ET AL.	
	Examiner	Art Unit	
	Dung Lam	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-51* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims **1, 30, 33-38, 41-42, 45-48 and 50** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Grube *et al.*** (US Pub No. 2003/0100326) in view of **Kulikov** (US Pub No. 2002/0122410).

2. Regarding **claim 1**, **Grube** teaches a digital communication device (105, Fig. 1, [22]) for identifying and communicating with other digital communication devices within a communication range (Abstract and Fig. 1), comprising:

a transmitter (transceiver 116) configured to transmit a control signal and a voice signal (exchange voice and send and receive voice and location information [25]); a receiver configured to receive the control signal and the voice signal (exchange voice and receive voice and location information [25]);

a user interface (operator interface 124) having a display area ([28]); and a computational unit (processor 118) configured to control the transmitter to periodically transmit ([28, 35]) identifying information as the control signal, the control signal being received as remote identifying information (location sharing information received by other communication units ([25, 26, 28, 35,36]) by the other digital communication

devices within the communication range ([10, 35]), and information corresponding to at least a portion of the remote identifying information being displayed on the display area of each of the other digital communication devices receiving the control signal ([28, 36]); a speaker ([28]) configured to output the voice signal received by the receiver; and a microphone ([27, 28]) configured to receive a voice communication from a user, wherein the user interface includes a transmit button (push-to-talk activator [27]), the computational unit ([26]) is configured to control the transmitter and the microphone to transmit the voice communication as the voice signal upon selection of the transmit button by the user, the voice signal is received by the other digital communication devices within the communication range ([27]). However, **Grube** does not explicitly teach that the transmitter and the receiver respectively transmits and receives signals directly from other digital communications without utilizing fixed towers. In an analogous art, **Kulikov** teaches a method of wireless data exchange (transmits and receives data) amongst ad-hoc mobile devices of limited range (Abstract, [0004]) without utilizing base stations ([0082-0085, 0151, 0153, 0154]) which broadly reads on, "the transmitter and the receiver respectively transmits and receives signals directly from other digital communications without utilizing fixed towers to re-transmit the control signal and voice signal". Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine Grube's teaching of the walkie talkies with **Kulikov**'s ad-hoc network that allows the devices to communicate among one another without the fixed towers because short-range communication devices can reduce their power consumption due to a lower transmission power required.

3. Regarding **claim 30**, **Grube and Kulikov** teach the digital communication device according to claim 1, wherein **Grube** further teaches the transmitter is configured to transmit the control signal ([35]) and the voice signal ([32]) separately.

4. Regarding **claim 33**, **Grube and Kulikov** teach the digital communication device according to claim 2, wherein **Grube** further teaches at least one of an audible signal output on the speaker (sound effects [30, 61]), a visual indication (light effects [30, 61]) displayed on the display area, and a vibration occurs when the remote identifying information is initially displayed on the display area of each of the other digital communication devices receiving the control signal.

5. Regarding **claim 34**, **Grube and Kulikov** teach the digital communication device according to claim 1, **Grube** further teaches a system unit configured to determine a current location using radio signals (126, Fig.1, [29]).

6. Regarding **claim 35**, **Grube and Kulikov** teach the digital communication device according to claim 34, wherein **Grube** further teaches the radio signals comprise Global Positional System (GPS) orbiting space satellite signals ([29]).

7. Regarding **claim 36**, **Grube and Kulikov** teach the digital communication device according to claim 35, wherein **Grube** further teaches the current location is displayed on the display area of the user interface ([28,29]).

8. Regarding **claim 37**, **Grube and Kulikov** teach the digital communication device according to claim 35, wherein **Grube** further teaches the identifying information includes the current location ([61, 29]).

9. Regarding **claim 38**, **Grube and Kulikov** teach the digital communication device according to claim 37, wherein **Grube** further teaches a relative direction is displayed on the display area of the user interface and corresponds to the current location of each of the other digital communication devices within the communication range ([28, 29, 30]).

10. Regarding **claim 41**, **Grube** and Kulikov teach the digital communication device according to claim 1, wherein **Grube** further teaches a time period between periodic transmissions of the control signal is configurable ([41-43]).

11. Regarding **claim 42**, **Grube** and Kulikov teach the digital communication device according to claim 41, wherein **Grube** further teaches the time period is manually configurable ([42]).

12. Regarding **claim 45**, **Grube** and Kulikov teach the digital communication device according to claim 2, **Grube** further teaches a multi-purpose interface comprising at least one of a computer interface and a keyboard interface ([27]).

13. Regarding **claim 46**, **Grube** and Kulikov teach the digital communication device according to claim 45, **Grube** further teaches: a storage unit (memory 120, Fig. 1 [26]) configured to store one or more configuration parameters, wherein the computer interface connects a computer having a configuration interface configured to receive the one or more configuration parameters modified by the user ([27]).

14. Regarding **claim 47**, **Grube** and Kulikov teach the digital communication device according to claim 1, **Grube** further teaches a removable memory interface configured to receive a removable memory device (floppy disk, [26]).

15. Regarding **claim 48**, **Grube** teaches a method for identifying and communicating with digital communication devices within a communication range, comprising: transmitting identifying information as a control signal periodically ([25, 28, 35, 41]); receiving the control signal as remote identifying information corresponding to the digital communication devices within the communication range ([25, 28, 35, 41]); displaying information corresponding to at least a portion of the remote identifying information on a display area corresponding to the digital communication devices receiving the control signal ([28, 36]); capturing a voice communication via a microphone ([27]) and transmitting the voice communication as a voice signal while a transmit button (push button [27]) is selected by a user; and receiving the voice signal ([25]) and outputting the voice communication on a speaker upon reception (this is an inherent well known in the art feature of talkgroup ptt function, [25, 27, 31, 38]). However, **Grube** does not explicitly teach that the step of transmitting and receiving signals directly from other digital communications without utilizing fixed towers; In an analogous art, **Kulikov** teaches a method of wireless data exchange (transmit and receives) amongst ad-hoc mobile devices of limited range (Abstract, [0004]) without utilizing base stations ([0082-0085, 0151, 0153, 0154]) which broadly reads on, "the step of transmitting and receiving signals directly from other digital communications without utilizing fixed towers to re-transmit the control signal and voice signal". Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine Grube's teaching of the walkie talkies with **Kulikov**'s ad-hoc network that allows the devices to

communicate among one another without the fixed towers because the devices can reduce their power consumption due to a lower transmission power required.

16. Regarding **claim 50**, it is a computer-readable-medium corresponding to method claim 48. Therefore, it is rejected for the same reasons as claim 48.

17. Claim **15-16** is rejected under 35 U.S.C. 103(a) as being unpatentable by **Grube *et al.*** (US Publication Number 2003/0100326) in view of **Kulikov** (US Pub No. 2002/0122410) in view of **Childress** (US Pat. No. 5,953,671).

18. Regarding ***claim 15***, **Grube and Kulikov** teach the digital communication device according to claim 2, except for a user interface which includes an emergency mode button to transmit voice signal to other users within the range and output to other users speakers. In an analogous art, **Childress** teaches an emergency button which inherently teaches that the computational unit is configured to control the transmitter to transmit voice communication as a voice signal to the other digital communication devices upon selection of the emergency mode and transmit buttons by the user, the voice signal is received by the other digital communication devices within the communication range, and the voice communication is output on the speaker of the other digital (Col. 6 Lines 24-29, Col.3 50-56). Therefore it would have been obvious for one of ordinary skill in the art at the time of the invention to combine Grube and Childresss's teaching to have immediate attention from other users in case of emergency. This is a great safety feature for a user who needs immediate help.

19. Regarding ***claim 16***, **Grube** and Kulikov teach the digital communication device according to claim 2, except for the user interface includes a distress call button. In an

analogous art, **Childress** and Kulikov teach an emergency button which inherently teaches that the computational unit is configured to control the transmitter to transmit a distress call signal to the other digital communication devices upon selection of the distress call button by the user, the distress call signal is received by the other digital communication devices within the communication range, and the distress call signal is represented on the other digital communication devices within the communication range by at least one of an audible signal output on the speaker (Col. 6 Lines 24-29, Col.3 50-56), a visual indication displayed on the display area, and a vibration.

20. Claim **24** is rejected under 35 U.S.C. 103(a) as being unpatentable by **Grube *et al.*** (US Publication Number 2003/0100326) in view of **Kulikov** (US Pub No. 2002/0122410) in view of **Sato et al.** (US Pub No. 2004/0027619).

21. Regarding **claim 24**, **Grube and Kulikov teach** the digital communication device according to claim 1. However they do not explicitly teach wherein the receiver is configured to receive one or more advertisements from a plurality of advertisers, and wherein the one or more advertisements are displayed on the display area of each of the other digital communication devices receiving the one or more advertisements. In an analogous art, **Sato** teaches the method of receiving and displaying advertisements on ach of the other digital communication devices (Fig. 2, 3, 4). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine Grube's teaching and Sato's teaching to receive and display advertisements to a group of users to increase the effectiveness/coverage of marketing.

22. Claims **25-29** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Grube *et al.*** (US Publication Number 2003/0100326) in view of **Kulikov** (US Pub No. 2002/0122410) in view of **Mathis** (US Pub No. 2003/0119540).

23. Regarding **claim 25**, **Grube** and Kulikov teach the digital communication device according to claim 1, but does not explicitly teach that the identifying information includes status information corresponding to a current status of the digital communication device. In an analogous art, **Mathis** teaches concept of providing the presence ([13, 16]) or current status of other users to allow a users make a better decision in initiating a group call or not ([3]). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine Grube and Mathis' teaching in proving other users current status to provide a more convenient means to find out if other users are available without wasting money for an unreachable call.

24. Regarding **claim 26**, **Grube and Kulikov teach** the digital communication device according to claim 2, but does not explicitly teach that the identifying information includes status information corresponding to a current status of the digital communication device. In an analogous art, **Mathis** teaches concept of providing the presence ([13, 16]) or current status of other users to allow a users make a better decision in initiating a group call or not ([3]). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine Grube and Mathis'

teaching in proving other users current status to provide a more convenient means to find out if other users are available without an actual call.

25. Regarding **claim 27, Grube, Kulikov and Mathis** teach the digital communication device according to claim 26. Mathis further teaches the status information comprises at least one of a busy status ("-" not available [16]), a sleep status, a do not disturb status, and a hardware failure status.

26. Regarding **claim 28, Grube, Kulikov and Mathis** teach the digital communication device according to claim 1, Mathis further teaches the computational unit is further configured to control the transmitter to transmit status information corresponding to a current status of the digital communication device as the control signal to the other digital communication devices ([13), the control signal is received as remote status information by the other digital communication devices within the communication range, and the status information is displayed on the display area of each of the other digital communication devices receiving the control signal (See Fig. 2&3, [16]).

27. Regarding **claim 29, Grube, Kulikov and Mathis** teach the digital communication device according to claim 28, wherein the status information comprises at least one of a busy ("-" not available [16]) status, a sleep status, a do not disturb status, and a hardware failure status.

28. Claims **40 is** rejected under 35 U.S.C. 103(a) as being unpatentable by **Grube *et al.*** (US Publication Number 2003/0100326) in view of **Kulikov** (US Pub No. 2002/0122410) in view of **Boesjes** (US Patent No. 6975851).

29. Regarding **claim 40, Grube** and Kulikov teach the digital communication device according to claim 2, except for the digital spread spectrum frequency protocol comprises a 900 MHz digital radio spectrum frequency protocol. In an analogous art, **Boesjes** teaches the known in the art 900MHz spectrum range for communication (C10 L40-45). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to use this range to be compatible with other system.

30. Claims **43 is** rejected under 35 U.S.C. 103(a) as being unpatentable by **Grube *et al.*** (US Publication Number 2003/0100326) in view of **Kulikov** (US Pub No. 2002/0122410).

31. Regarding **claim 43**, **Grube** and Kulikov teach the digital communication device according to claim 2, and that the periodic transmission is configurable ([41-43]) but not explicitly that the time period corresponds to network load. However, it is known in the concept of load balancing or controlling congestion by adjusting the transmission quantity based on network load is known in the art. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to modify Grube's teaching to also automatically control the periodic updates based on the network load to avoid congestions or overloading.

32. Claims **44 is** rejected under 35 U.S.C. 103(a) as being unpatentable by **Grube *et al.*** (US Publication Number 2003/0100326) in view of **Kulikov** (US Pub No. 2002/0122410) in view of **McZeal** (US Pat. No. 6763,226).

33. Regarding ***claim 44***, **Grube and Kulikov** teach the digital communication device according to claim 1, except for a video camera and the computational unit is configured to control the video processing unit and the transmitter to transmit the video from the digital camera as the video signal, the video is received by the other digital communication devices within the communication range and displayed on the display area of the other digital communication devices receiving the video signal. In an analogous art, **McZeal** teaches a digital camera; and a video processing unit configured to receive video from the digital camera, wherein the transmitter is configured to transmit a video signal, the receiver is configured to receive the video signal (Fig. 1, Fig. 4, Fig. 6, C30 L66 –C 31 L17). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to include the video camera to exchange video content to allow users to receive more real-time content.

34. Claims **49 and 51** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Grube *et al.*** (US Publication Number 2003/0100326) in view of **Kulikov** (US Pub No. 2002/0122410) in view of **McZeal** (US Pat. No. 6763,226) further in view of **Mukai** (US Pub No. 2002/0006804).

35. Regarding ***claim 49,*** **Grube, Kulikov and McZeal** teaches the method according to claim 48, except for displaying comprises displaying the remote identifying

information on the display area as a graphical list selectable by a user, and wherein transmitting the voice communication comprises transmitting the voice communication as a voice signal to one or more digital communication devices corresponding to the selected remote identifying information. In an analogous art, **Mukai** teaches that the remote identifying information is displayed on the display area as a graphical list selectable by the user and wherein transmitting the voice communication comprises transmitting the voice communication as a voice signal to one or more digital communication devices corresponding to the selected remote identifying information ([92-97]). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine Carlton and Griffins' teaching with Mukai's teaching of to have a selectable list to exclude certain other devices from communicating to promote privacy.

36. Regarding **claim 51**, it is a computer-readable-medium corresponding to method claim 49. Therefore, it is rejected for the same reasons as claim 49.

37. Claim **1, 17, 21-23 and 31** rejected under 35 U.S.C. 102(e) as being anticipated by **Carlton *et al.*** (US Pub No. 2004/0203363) in view of **Griffin** (US Pub No. 2004/0015553) in view of **Kulikov** (US Pub No. 2002/0122410).

38. Regarding ***claim 1***, **Carlton** teaches a digital communication device for identifying and communicating with other digital communication devices within a communication range, comprising: a transmitter (radio module 309, [59, 60]) configured to transmit a

control signal ([149, 153, 163]) and a voice signal (a song is made up of voice which reads on a voice signal [148]); a transmitter of a phone is known to transmit voice);

a receiver (radio module 309, [59, 60]) configured to receive the control signal ([149, 153, 163]) and the voice signal (a song is made up of voice which reads on voice signal [148]);

a user interface having a display area ([57, 58 and 63]);

and a computational unit (CPU 313, [64]) configured to control the transmitter to periodically transmit identifying information (profile containing user specific ID, [48-49]) as the control signal ([114, 149, 153, 163]), the control signal being received as remote identifying information by the other digital communication devices within the communication range ([48]), and information corresponding to at least a portion of the remote identifying information being displayed on the display area of each of the other digital communication devices receiving the control signal ([114,123-128, 131, 153-172]); a speaker (Fig. 3312a) inherently configured to output the voice signal received by the receiver; and an inherently known in the art microphone configured to receive a voice communication from a user. However, he fails to explicitly teach wherein the user interface includes a transmit button, the computational unit is configured to control the transmitter and the microphone to transmit the voice communication as the voice signal upon selection of the transmit button by the user, the voice signal is received by the other digital communication devices within the communication range. In an analogous art, **Griffin** teaches a user interface having a transmit button (push-to-talk button, [40]), and the computational unit is configured to control the transmitter and the microphone to

transmit the voice communication as the voice signal upon selection of the transmit button by the user ([40, 47]), the voice signal is received by the other digital communication devices within the communication range [47, 48 and 49]. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine Carlton's concept of informing buddies presence and Griffin's teaching of the push-to-talk button to make it easier for buddies, friends or members of a group to communicate with one another. However, **Carlton and Griffin** do not explicitly teach that the step of transmitting and receiving signals directly from other digital communications without utilizing fixed towers; In an analogous art, **Kulikov** teaches the concept of a method of wireless data exchange (transmit and receives) amongst ad-hoc mobile devices of limited range (Abstract, [0004]) without utilizing base stations ([0082-0085, 0151, 0153, 0154]) which broadly reads on, "the step of transmitting and receiving signals directly from other digital communications without utilizing fixed towers to re-transmit the control signal and voice signal". Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine Grube's teaching of the walkie talkies with **Kulikov**'s ad-hoc network that allows the devices to communicate among one another without the fixed towers since the devices can reduce their power consumption due to a lower transmission power required.

39. Regarding ***claim 17***, **Carlton, Griffin and Kulikov** teach the digital communication device according to claim 1, further comprising: a storage unit configured to store one or more remote identifying information, wherein the user

interface includes an inherent store button, and the computational unit is configured to control the storage unit to store the one or more remote identifying information upon selection of the store button by a user (inherently has a button that allows user to store the remote identifying information [113]).

40. Regarding ***claim 21***, **Carlton** teaches the digital communication device according to claim 1, further comprising: a storage unit configured to store one or more configuration parameters, wherein the display area includes a configuration interface configured to receive one or more configuration parameters modified by a user ([113-117]).

41. Regarding ***claim 22***, **Carlton**, Griffin and Kulikov teach the digital communication device according to claim 21, wherein the one or more configuration parameters comprise at least one of date and time, announcement options, volume control, advertisement options, upload and download options, blocking options ([113-117]), group options, and storage options.

42. Regarding ***claim 23***, **Carlton**, Griffin and Kulikov teach the digital communication device according to claim 1, wherein the transmitter is configured to transmit a non-verbal text signal and the receiver is configured to receive the non-verbal text signal, the computational unit is configured to control the transmitter to transmit text communication as the non-verbal text signal to the other digital communication devices, the non-verbal text signal is received by the other digital communication devices within the communication range, and the text communication is displayed on the display area of

each of the other digital communication devices receiving the non-verbal text signal (instant messaging, [51]).

43. Regarding ***claim 31***, **Carlton**, Griffin and Kulikov teach the digital communication device according to claim 1, wherein the control signal ([48]) and the voice signal are encrypted ([65]).

44. Claims **3 and 4** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Carlton *et al.*** (US Pub No. 2004/0203363) in view of **Griffin** (US Pub No. 2004/0015553) in view of **Kulikov** (US Pub No. 2002/0122410).

45. Regarding ***claim 3***, **Carlton, Griffin and Kulikov** teach the digital communication device according to claim 1, further comprising: a storage unit configured to store the voice communication, wherein the user interface includes a record button (**Griffin,** [47, 49]), and the computational unit is inherently configured to control the microphone and the storage unit to capture the voice communication using the microphone and to record the captured voice communication to the storage unit upon selection of the record button by the user.

46. Regarding ***claim 4***, **Carlton, Griffin and Kulikov** teach the digital communication device according to claim 3, wherein the user interface includes a play button (**Griffin,** playback [49]), and the computational unit is configured to control the speaker and an inherent storage ([50]) unit to output the recorded voice communication on the speaker upon selection of the play button by the user (playback [48]).

47. Regarding ***claim 32***, **Carlton, Griffin and Kulikov** teach the digital communication device according to claim 2, wherein the control signal and the voice signal are encrypted (**Carlton**, [48,65]).

48. Regarding ***claim 39***, **Carlton, Griffin and Kulikov** teach the digital communication device according to claim 1, wherein the control signal and the voice signal are transmitted and received using at least one of a digital spread spectrum frequency protocol, a Blue tooth protocol (**Carlton**, [59-60]), Wi-Fi protocol, Code Division Multiple Access (CDMA) protocol, Time Division Multiple Access (TDMA) protocol, Frequency Division Multiple Access (FDMA) protocol, and Global System for Mobile communication (GSM) protocol.

49. Claims **5, 8-14 and 18-20** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Carlton *et al.*** (US Pub No. 2004/0203363) in view of **Griffin** (US Pub No. 2004/0015553) in view of **Kulikov** (US Pub No. 2002/0122410) further in view of **Mukai** (US Pub No. 2002/0006804).

50. Regarding ***claim 5***, **Carlton, Griffin and Kulikov** teach the digital communication device according to claim 1. **Carlton** further teaches a block list which allows users to manually select through the GUI ([117, 115]) which is known to block the blocked apparatuses from further communications for privacy or security purposes. However, Carlton and Griffin do not explicitly teach the concept of transmitting voice to a set of selectable users from a list upon a selection of a transmit button. In an analogous art, **Mukai** teaches that the remote identifying information is displayed on the display area as a graphical list selectable by the user, the computational unit is configured to control the transmitter to transmit the voice communication as the voice

signal to one or more of the other digital communication devices corresponding to one or more selected remote identifying information upon selection of the transmit button by the user, the voice signal is received by the other digital communication devices within the communication range, and wherein the voice communication is output on the speaker of the one or more other digital communication devices within the communication range that correspond to the one or more selected remote identifying information ([92-97]). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine Carlton and Griffins' teaching with Mukai's teaching of to have a blocked list to exclude certain other devices from communicating to promote privacy.

51. With further regard to ***claim 8***, **Carlton, Griffin and Kulikov and Mukai** teach the digital communication device according to claim 5, wherein a plurality of remote identifying information is selectable by the user ([93]), and the voice communication is output exclusively on the other digital communication devices within the communication range that correspond to the plurality of selected remote identifying information (**Mukai**, Fig. 7a and b, [92-97]).

52. Regarding ***claim 9***, **Carlton, Griffin, Kulikov and Mukai** teach the digital communication device according to claim 8, wherein the voice communication comprises an encrypted voice communication (**Carlton,** [48, 65]).

53. With further regard to ***claim 10***, **Carlton, Griffin, Kulikov and Mukai** teach the digital communication device according to claim 5, wherein the remote identifying information is selectable by the user, and the voice communication is output exclusively

on one of the other digital communication devices within the communication range that correspond to the selected remote identifying information (**Mukai**, Fig. 7a and b, [92-97]).

54. Regarding ***claim 11 and 20***, **Carlton, Griffin, Kulikov and Mukai** teach the digital communication device according to claims 10 and 1 respectively, wherein the voice communication comprises an encrypted voice communication (**Carlton**, [48, 65]). It would have been obvious for one of ordinary skill in the art to use encryption to increase the privacy protection for the users.

55. Regarding ***claim 12***, **Carlton, Griffin, Kulikov and Mukai** teach the digital communication device according to claim 5, wherein the remote identifying information is sortable into groups by the user (**Griffin** [37]).

56. Regarding ***claim 13***, **Carlton, Griffin, Kulikov and Mukai** teach digital communication device according to claim 12, wherein **Carlton** further teaches the groups comprise at least one of a buddy list, a within-range list, a blocked list, and a group list ([53+54]).

57. Regarding ***claim 14,*** **Carlton, Griffin, Kulikov and Mukai** teach the digital communication device according to claim 2, wherein the user interface includes a free-for-all mode button, the computational unit is configured to control the transmitter to transmit voice communication as the voice signal to the other digital communication devices upon selection of the free-for-all mode and transmit buttons by the user, the voice signal is received by the other digital communication devices within the communication range, and the voice communication is output on the speaker of the

other digital communication devices within the communication range (**Mukai** [91,93, 96]).

58. With further regard to ***claim 18***, **Carlton, Griffin, Kulikov and Mukai** teach the digital communication device according to claim 2, but they do not explicitly teach wherein the user interface includes a block button, and the computational unit is configured to block the voice communication upon selection of the block button by the user (**Mukai**, Fig. 7a and b, [92-97]).

59. With further regard to ***claim 19***, **Carlton, Griffin, Kulikov and Mukai** teach the digital communication device according to claim 18, wherein the remote identifying information is displayed on the display area as a graphical list selectable by the user, and wherein the computational unit is configured to block the voice communication from the other digital communication devices within the communication range that correspond to one or more selected remote identifying information (**Mukai**, Fig. 7a and b, [92-97]).

60. Claims **6 and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Carlton *et al.*** (US Pub No. 2004/0203363) in view of **Griffin** (US Pub No. 2004/0015553) in view of **Kulikov** (US Pub No. 2002/0122410) further in view of **Mukai** (US Pub No. 2002/0006804) further in view of **Delmulle** (US Pub No. 2005/0107037).

61. Regarding ***claim 6***, **Carlton, Griffin, Kulikov and Mukai** teach the digital communication device according to claim 5, but does not teach a local and extended communication range and voice and control signal from one device from a local range can be sent to second device which relays the signal(s) to the device in the extended

range. In an analogous art, **Delmulle** teaches that the communication range comprises a local communication range corresponding to the digital communication device and an extended communication range corresponding to all digital communication devices, at least one of the control signal and the voice signal is transmitted from the digital communication device to a second digital communication device within the local communication range, and the at least one of the control signal and the voice signal is transmitted from the second digital communication device to a third digital communication device outside the local communication range and within the extended communication range (extending the range of a short-range communication by allowing a peer device to rebroadcast all transmission signals to another device [46, Fig. 7]). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to have a relay device to send data to devices that are outside of the short-range to increase the coverage.

62. With further regard to ***claim 7,*** **Carlton, Griffin, Kulikov, Mukai and Delmulle** teach the digital communication device according to claim 6 but do not explicitly teach that the second digital communication device is a fixed tower digital communication device. However, the concept of using a fixed tower digital communication device to relay information is known in the art.

Response to Arguments

Applicant's arguments with respect to claims 1, 3-51 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Lam whose telephone number is (571) 272-6497. The examiner can normally be reached on M - F 9 - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

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